



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth E. Kadziauskas, et al.) Examiner
Serial No.: 10/692,945)Nguyen,
Filed: 10/24/2003)Camtu Tran
For: METHOD FOR CONTROLLING FLUID)Art Unit
TO AND FROM AN EYE DURING)3743
OPHTHALMIC SURGERY)

July 2004

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

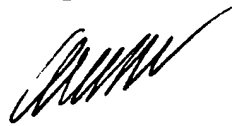
In response to a restriction requirement mailed July 13, 2004, the Applicant responds as follows and respectfully request withdrawal of the subject restriction requirement.

The Examiner has indicated that claims 1-22 are pending in the present application when in fact claims 1-8, 15-18, and 21-22 have been cancelled by preliminary amendment. The remaining claims 9-14 and 19-20 are directed to a method. No apparatus claims are pending and according a restriction between method and apparatus claims is not appropriate.

Enclosed are:

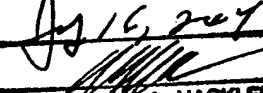
1. Copy of restriction requirement;
2. Copy of postcard stamped by the USPTO indicating receipt of the subject preliminary amendment; and
3. A copy of the preliminary amendment.

Respectfully submitted,



Walter A. Hackler, Reg. No. 27,792
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WALTER A. HACKLER
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